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GOVERNMENT OF THE
CENTRAL PROVINCES AND BERAR

REPORT

ON THE

JUDICIAL ADMINISTRATION
(CIVIL)

IN THE

CENTRAL PROVINCES & BERAR

DURING THE

CALENDAR YEAR 1946

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REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE CENTRAL PROVINCES AND BERAR DURING THE YEAR 1946

[The figures in brackets denote the corresponding figures of 1945.]

A.—TRIBUNALS

High Court.—The number of Judges of the High Court continued at seven. The Honourable Sir Frederick Grille, I.C.S., Chief Justice, was on leave for one month and fifteen days with effect from the 24th June 1946 and the Honourable Mr. Justice Niyogi, Kt., C.I.E., LL.D., officiated as Chief Justice from that date. The Honourable Mr. Justice M. Hidayatullah was appointed to officiate in his place. The Honourable Mr. Justice Niyogi, Kt., C.I.E., LL.D., proceeded on leave with effect from the 8th August 1946 preparatory to retirement. The Honourable Mr. Justice Puranik also proceeded on leave preparatory to retirement with effect from the 13th August 1946. The Honourable Mr. Justice Sen was confirmed in the vacancy caused by the retirement of the Honourable Mr. Justice M. Bhawani Shankar Niyogi, Kt., C.I.E., LL.D., and the Honourable Mr. Justice Hidayatullah in the vacancy of Mr. Justice Puranik. The Honourable Mr. Justice Padhye was appointed as an additional Judge, *vice* the Honourable Mr. Justice Sen. The Honourable Mr. Justice Hemeon, I.C.S., proceeded on leave for two months with effect from the 14th February 1946. The Honourable Mr. Justice Pollock, I.C.S., proceeded on leave for five months and seventeen days with effect from the 28th October 1946 and the Honourable Mr. Justice Mangalmurti, I.C.S., was appointed to officiate in his place.

2. **District and Subordinate Courts.**—The number of District Courts remained unchanged at nine. The special post of a lawyer Judge at Nagpur with a special pay of Rs. 100 continued throughout the year. Ninteen Civil Judges (Class II) continued to be on deputation as temporary Extra-Assistant Commissioners and two on deputation to the Government of India. Twenty-four lawyers worked as Civil Judges, 21 in replacement of the permanent Judges on deputation as indicated above, one in a special Class I post created at Nagpur and two against two Class II posts which were held in abeyance but subsequently revived. No recruits were appointed to the regular cadre during the year under report.

3. Sixteen [16] Extra-Assistant Commissioners, 40 [40] Tahsildars and 30 [35] Naib-Tahsildars exercised civil powers.

4. **Distribution of Subordinate Courts.**—Difficulty in providing adequate staff and the consequential regrouping of Courts were the feature of the year. There was an appreciable rise in institutions and a fall in disposals which resulted in congestion in most of the Courts to which help had to be hurriedly extended in order to prevent the situation from getting out of hand. As the bulk of Class II Judges including lawyer Judges are inexperienced, their disposals could not keep pace with institutions and this resulted in inflated files at a number of places. In Raipur a senior Judge was put in charge of a triple link. The links between Nagpur-Umrer, Bilaspur-Baloda Bazar, Bemetara-Drug, Raipur-Janjgir and Pusad-Yeotmal were broken and replaced by links at Brahmapuri-Umrer, Raipur-Baloda Bazar, Raipur-Drug and Bilaspur-Janjgir. The Class I link between Seoni and Chhindwara was also broken after the posting of a Class I Judge at Chhindwara. The regrouping of the Courts also involved the placing of Class I Judges in charge of Class II files. As an experimental measure the work arising from Rehli tahsil was taken by the Civil Judge (Class II), Saugor, at Rehli in order to give relief

to the litigant public and the experiment having proved successful the touring Court at Rehli has recently been turned into a full-fledged linked Court, thus raising the sanctioned number of Class II Courts in the Jubbulpore civil district from eight to nine. The touring Courts at Banda and Seoni-Malwa were closed because of insufficient work and institutions were ordered to be made at Saugor and Harda respectively.

5. The Honourable the Chief Justice again records his appreciation of the manner in which the Senior Courts have borne the increasing burden of appeals and the dislocation to which reference has been made.

6. **Village Panchayat Courts.**—The figures relating to Village Panchayat Courts have not been made available to the High Court in time in spite of comments in the matter in previous annual reports. Figures are awaited from Nagpur, Bhandara, Hoshangabad, Betul, Amraoti, Yeotmal and Akola revenue districts; and in consequence no correct estimate of the work done by these Courts can be formed. According to the figures received the number of Courts functioning at the close of the year works out to 515 in the Province.

7. **Training of Officers.**—Five Civil Judges (Class II) completed magisterial training during the year under report, two for 18 months and three for six months. Mr. J. H. Rowley, I.C.S., was posted at Amraoti for training as a Civil Judge from the 24th August 1946.

B.—ORIGINAL JURISDICTION

Statement No. 27

8. **Institution of Suits in the High Court.**—Four suits were instituted and four were pending at the beginning of the year. Six suits were disposed of leaving two pending at the close of the year.

9. **Institution of Suits in Subordinate Courts.**—Institutions in Subordinate Courts under the three main heads for the years 1942 to 1946 are given below :—

	1942	1943	1944	1945	1946
Central Provinces.					
(1) Suits for money or movable property.	19,257	20,470	17,721	15,704	17,015
(2) Suits under the Rent Law ..	21,420	16,034	11,541	9,652	9,805
(3) Title and other suits ..	6,186	7,757	7,948	7,379	8,033
Total ..	46,863	44,261	37,210	32,735	34,853
Berar.					
(1) Suits for money or movable property	8,485	8,788	7,148	6,889	8,774
(2) Suits under the Rent Law ..	305	226	171	141	179
(3) Title and other suits ..	4,964	8,336	8,700	5,048	5,591
Total ..	13,754	17,350	16,019	12,078	14,544
Grand Total ..	60,617	61,611	53,229	44,813	49,397
Total for the Province excluding suits under the Central Provinces Rent Law.	39,197	45,577	41,688	35,161	39,592

During the year under report a rise in the institutions is noticeable as compared with last year. Save Nagpur, all the districts in the Province have contributed towards this rise. The rise in suits in money and movables, particularly in Berar, bears out the general remark in District Judges' reports that the effects of the Relief of Indebtedness Act are speedily passing off. Unlike last year there is a perceptible increase in the number of rent suits and this is attributed to the unsatisfactory financial position of many agriculturists by reason of the failure of the *rabi* and *kharif* crops. The rise in title and other suits is attributed to the rise in the prices of

land and the tendency of wealthy non-agriculturists to invest in land. One District Judge expects this all-round increase in institutions to continue in future years.

10. **Institutions in Village Panchayat Courts.**—As reported in paragraph 6 above, the figures relating to Village Panchayat Courts are incomplete as they have yet to come in from the districts mentioned therein. During the year 2,752 [2,976] cases were instituted in districts from which figures have been received and 2,824 [2,900] cases were disposed of. Decrees in 48 [46] cases were cancelled by Deputy Commissioners. As the figures are incomplete and no explanations for the variations have been offered, no comments can be made.

11. **Valuation of Suits.**—The total and average value of suits instituted during the year decreased by Rs. 12,78,146 to Rs. 2,00,89,263 [Rs. 2,13,67,409] and Rs. 41 to Rs. 406 [Rs. 447] respectively. The fall is mostly shared by Nagpur, Jubbulpore, Hoshangabad where suits of lower value as compared to last year were instituted in the District Courts. In Nagpur, the total and average value decreased to Rs. 43,04,798 [Rs. 82,85,376] and Rs. 820 [Rs. 1,518] respectively and in Hoshangabad it decreased to Rs. 9,51,638 [Rs. 13,22,258] and Rs. 241 [Rs. 374] respectively. A marked rise was noticeable in the figures of 1945 at Nagpur because one suit of the value of Rs. 55,05,172 was instituted in the Court of First Additional District Judge, Nagpur, during that year. The following table shows the figures for separate classes of Courts for 1945 and 1946 :—

Class of Courts	Total value		Average value	
	1945	1946	1945	1946
	Rs.	Rs.	Rs.	Rs.
District Courts ..	1,11,42,327	79,40,741	66,323	50,978
Courts of Civil Judges (Class I)	19,68,089	24,06,225	1,465	2,127
Courts of Civil Judges (Class II) ..	64,43,689	74,42,810	242	255
Small Cause Courts ..	18,13,304	22,99,487	109	121

12. **Disposal of Suits.**—Disposals in the High Court are given in paragraph 8. The number and percentage of suits disposed of by the various classes of Subordinate Courts in 1945 and 1946 were as follows :— **Statement No. 29**

Class of Courts	1945		1946	
	Number	Percentage	Number	Percentage
District Courts ..	257	0·5	241	0·5
Courts of Civil Judges (Class I) ..	1,652	3.1	1,407	2·7
Courts of Civil Judges (Class II) ..	33,146	63.1	31,191	60.3
Courts exercising powers as Courts of Small Causes.	17,504	33·3	18,909	36.5
Total ..	52,559	100.0	51,748	100.0

The disposals were 2,351 more than the institutions but 811 less than the disposals of 1945. The fall though not serious is shared by all the Courts except those exercising powers as Courts of Small Causes. The usual reasons, *viz.*, regrouping of Courts due to the paucity of Judges and keeping the Courts vacant in times of emergency till a substitute could be secured, have been advanced for the comparatively low disposals. While the Honourable the Chief Justice appreciates the difficulty under which the cadre is working and the strain on many of the Judges by reason of dislocation, he is inclined to think that a truer picture of the disposals can be had if the reasons advanced in this paragraph are read with the comments in paragraph 4 of the report. Of 12,509 [13,363] cases disposed after full trial 9,732 [10,301] or 18.8 [19.6] per cent of all the

cases disposed of resulted in favour of the plaintiff and 2,777 [3,062] or 5.3 [5.8] per cent in favour of the defendant. The number of cases decided on reference to arbitration slightly increased to 36 [28].

13. **Duration.**—The average duration in days of suits decided by the several classes of Courts during the year under report is given below:—

Class of Courts	Year	Without trial	*Ex parte*	On admission
District Courts ..	1945	424	210	165
	1946	343	338	517
Civil Judges (Class I) ..	1945	178	113	88
	1946	181	138	140
Civil Judges (Class II) ..	1945	131	107	89
	1946	129	105	90
Small Cause Courts ..	1945	110	104	93
	1946	92	105	99

Class of Courts	Year	Compromised	After full trial	On reference to arbitration	By transfer
District Courts ..	1945	406	525	351	209
	1946	363	474	660	431
Civil Judges (Class I) ..	1945	268	287	458	190
	1946	183	234	463	146
Civil Judges (Class II) ..	1945	152	233	365	114
	1946	134	232	234	102
Small Cause Courts ..	1945	114	140	..	64
	1946	114	148	295	92

It is gratifying to note that in spite of the burden the Judges had to bear the average duration in 1946 compares favourably with that of the previous year except in the District Courts which are usually preoccupied with heavy sessions and criminal appellate work.

14. **Pending files.**—The following figures indicate the state of the pending files:—

	1945	1946
Suits pending at the beginning of the year	19,065	17,467
Institutions	44,813	49,397
Suits revived	1,371	1,326
Otherwise received	4,778	4,491
Total ..	70,027	72,681
Disposed of by transfer	4,629	4,386
Otherwise	47,930	47,362
Total ..	52,559	51,748
Pending at the close of the year	17,468	20,933

The rise in the pending files is attributed to the rise in institutions as well as to the regrouping of Courts because of the paucity of Judges. The rise is mainly shared by Nagpur, Chhindwara and Amraoti

15. The number of suits over six months increased to 4,231 [3,158] owing to the increase in institutions, while those over one year also slightly increased to 1,373 [1,305]. The rise in the number of suits over six months is mostly contributed by the Chhindwara and Akola civil districts.

16. **Conduct of Trials.**—District Judges, with one exception, report that there has been a further improvement in the drafting of pleadings. In certain cases prolixity and vagueness are still noticeable but the defects of the past are fast disappearing. Litigants are now beginning to realise the value of succinct and relevant pleadings and Counsel take more pains in the matter. Pleadings drafted by petition-writers have still scope for

improvement but it is difficult to expect much better from them. The District and Sessions Judge, Jubbulpore, reports that pleadings drafted by younger Counsel are more satisfactory than those drafted by their older colleagues, who have a tendency to be prolix. He has also to complain about the manner of amendments, the main responsibility of which rests on the Judges. The provisions of Orders XI, XII and XIII, Civil Procedure Code, are applied in suitable cases. The block system is adhered to and is responsible for securing quicker justice to litigants. Adjournments are generally granted for adequate reasons and suitable costs are awarded if occasioned by the negligence of the parties. One District Judge complains that in Arbitration cases procedure in accordance with the Arbitration Act of 1940 is not strictly followed. The service of summons is generally prompt and steps are taken to call for explanation if delay occurs. The Honourable the Chief Justice is pleased to notice the general rise in the standard of work both by the Bench and the Bar, a rise which is due to the close co-operation between the two.

17. **Executions.**—The total number of applications for execution before the Courts was 59,395 [67,583]. 44,881 [52,001] applications were disposed of during the year, leaving a balance of 14,514 [15,576] of which 1,805 [2,749] were over six months. Applications were wholly infructuous in 51.8 [50.2] per cent, partly satisfied in 16.0 [15.5] and fully satisfied in 29.1 [29.7] per cent of cases. The amount realised in execution of decrees was Rs. 29,65,185 [Rs. 32,53,390]. The decrease is shared by Wardha, Chhindwara, Amraoti and Akola. The reasons ascribed for it are the failure of crops and the smaller number of applications received for execution. Debtors were arrested in 123 [98] cases and imprisoned in 8 [4] cases. Moveable property was attached in 1,950 [1,926] cases but sold in only 319 [381] cases. Immoveable property was attached in 2,212 [2,744] cases but sold in only 673 [962] cases.

18. **Insolvency.**—The number of insolvency petitions presented during the year by debtors decreased to 150 [174] and those presented by creditors rose slightly to 50 [49]. Nagpur, Wardha and Nimar have contributed towards the fall while the rise is negligible and does not call for comment. The reasons ascribed for the fall in the number of applications presented by debtors are the scaling down of debts by debt legislation and the ameliorated economic condition of agricultural debtors in some districts. One District Judge has remarked that good trading conditions have made insolvency work negligible. 85 [121] petitions were disposed of by orders of adjudication, 47 [29] were dismissed under section 25, 21 [23] were withdrawn under section 14 and 20 [47] were disposed of by death or default. Orders of adjudication against 362 [314] insolvents were annulled. In Jubbulpore and Amraoti alone orders of adjudication of 109 [26] and 157 [66] insolvents, respectively, were annulled. 56 [62] insolvents were discharged absolutely, 15 [6] conditionally and 22 [35] after the period of suspension.

19. The system of appointing selected pleaders as Receivers is working satisfactorily. The accounts are properly maintained in almost all districts, but one District Judge complains that the Receivers in his district are generally lax in filing the accounts. At Amraoti again no audit of accounts was made by the staff of the Examiner of Local Fund Accounts during the year under report.

20. **Guardians and Wards Act.**—The number of estates under management and the number relinquished slightly rose to 1,111 [1,083] and 101 [82], respectively, during the year. 1,010 [1,001] estates remained under management at the end of the year. Save in a few districts, the guardians exhibited their normal indifference towards the maintenance and

punctual submission of accounts. The District and Sessions Judge, Chhindwara, had to impose fines of Rs. 25 and Rs. 20 on two guardians who failed to submit accounts in spite of the notices issued to them. One District Judge suggests an amendment of the Law to provide for increased control by District Courts of substantial estates. Complications arise from the extended rights of widows to property.

21. **Usurious Loans Act.**—All the District and Sessions Judges are of the opinion that creditors have by now realized that it is inexpedient to charge rates of interest higher than those permissible under the Act. The result is that fewer occasions arise for the appliance of the provisions of the Act. Brahmapuri of Wardha district and Amraoti again figure in this year's report and there interest was reduced under the Act in 63 [50] and 41 [24] cases, respectively.

22. **The Central Provinces Moneylenders' Act, 1934 (XIII of 1934).**—The reports received from the districts indicate that the Act in question is serving the useful purpose for which it was enacted. Section 11 of the Act which facilitates payment of the decretal amount by instalments is extensively used.

23. **The Central Provinces Adjustment and Liquidation of Industrial Workers' Debt Act, 1936 (V of 1936).**—Six [4] applications were pending from the previous year and 11 [12] were presented during the year. 3 [10] cases were disposed of leaving 14 [6] cases pending at the close of the year. As usual the Act was made use of by industrial workers in Nagpur and Nimar alone.

C.—APPELLATE JURISDICTION

24. **Appeals to the Privy Council.**—At the beginning of the year 12 [14] applications for leave to appeal were pending before the High Court and 15 [11] new applications were filed during the year. 17 [13] applications were disposed of, leave being granted in 5 cases and refused in 12 cases. 10 [12] cases were pending at the close of the year. Two appeals were decided by the Privy Council and this Court's decrees were confirmed. 18 [16] appeals remained pending at the close of the year.

25. **Appeals to the Federal Court.**—No application for leave to appeal to the Federal Court was pending at the beginning of the year and no new application was received during the year.

Statements Nos. 31 and 32.

26. **High Court of Judicature at Nagpur.**—The table below compares the figures of civil appellate work in the years 1945 and 1946 :—

	Institutions	Disposals: By Single Bench	Disposals: By Division Bench	Pending
	1945			
First Appeals—				
From Decrees ..	120	10	77	583
From Orders ..	139	24	105	417
Letters Patent Appeals ..	17	..	17	55
Second Appeals—				
From Decrees ..	866	543	41	2,141
From Orders ..	144	122	51	263
Civil Revisions under section 25 of the Provincial Small Causes Act.	181	200	..	127
Other revisions ..	355	369	22	353
Total ..	1,822	1,268	313	3,939

	Institutions	Disposals		Pending
		By Single Bench	By Division Bench	
	1946			
First Appeals—				
From Decrees ..	126	2	78	629
From Orders ..	124	89	44	408
Letters Patent Appeals ..	11	..	19	47
Second Appeals—				
From Decrees ..	1,081	615	56	2,551
From Orders ..	125	118	7	263
Civil Revisions under section 25 of the Provincial Small Causes Act.	208	252	..	83
Other revisions ..	319	279	14	379
Total ..	1,994	1,355	218	4,360

Institutions increased by 172 to 1,994 [1,822] but disposals slightly decreased by 8 to 1,573 [1,581]. Disposals kept pace with institutions, but institutions being heaviest in 1946 as compared to the last six years the pending file rose to 4,360 [3,939]. There has been a heavy institution of criminal cases but the file is expected to be reduced during the vacation of 1947. There was a further rise in the disposal of Single Bench cases by 87 to 1,355 [1,268]. The average duration of First and Second Appeals disposed of was 1,975 [1,558] and 775 [802], respectively. A rise is noticeable in the former because the old pending Single Bench cases were given preference and disposed of during the year.

27. Sixty-four [69] appeals from original decrees, 294 [295] appeals from appellate decrees, 16 [13] Letters Patent appeals, 117 [176] appeals from orders and 267 [319] revisions were disposed of after contest. The following table shows the manner of disposal in the years 1945 and 1946 by percentage :—

Decision	First Appeals from decrees	Second Appeals from decrees	Appeals from orders	Revisions	Letters Patent Appeals
(1)	(2)	(3)	(4)	(5)	(6)
		1945			
Confirmed including cases dismissed in motion	63.2	85.6	83.1	81.8	88.2
Modified ..	16.1	3.1	4.6	2.0	..
Reversed ..	14.9	10.8	11.6	14.2	11.8
Remanded ..	5.8	0.5	0.7	2.0	..
Total ..	100.0	100.0	100.0	100.0	100.0
		1946			
Confirmed including cases dismissed in motion.	63·8	85·7	83.7	67.8	42.1
Modified ..	22.5	4.3	2.7	4.3	10.5
Reversed ..	13.7	9.1	12.0	14.4	42.1
Remanded ..	..	0.9	1.6	13.5	5.3
Total ..	100.0	100.0	100.0	100.0	100.0

The percentage worked out above indicates but little variation in disposals which were steady as reported in paragraph 26 of the report.

28. District Courts.—The statement below compares the figures of civil appellate work in the years 1945 and 1946 :—

	Institutions		Disposals		Pending
	Institutions or reinsti-tutions	Otherwise received	By transfer	Otherwise	
(1)	(2)	(3)	(4)	(5)	(6)
		1945			
Cental Provinces.					
Regular Appeals ..	2,319	772	771	2,083	1,346
Miscellaneous Appeals ..	258	33	33	280	81
Total ..	2,577	805	804	2,363	1,427
Berar.					
Regular Appeals ..	1,546	636	635	1,830	611
Miscellaneous Appeals ..	157	27	26	163	60
Total ..	1,703	663	661	1,993	671
Grand total ..	4,280	1,468	1,465	4,356	2,098
		1946			
Central Provinces.					
Regular Appeals ..	2,281	690	689	2,371	1,257
Miscellaneous Appeals ..	237	29	28	215	104
Total ..	2,518	719	717	2,586	1,361
Berar.					
Regular Appeals ..	1,089	267	264	1,219	484
Miscellaneous Appeals ..	139	5	6	133	65
Total ..	1,228	272	270	1,352	549
Grand total ..	3,746	991	987	3,938	1,910

The number of regular appeals filed during the year decreased by 495. In the Central Provinces institutions fell by 38 and in Berar by 457. West Berar civil district contributed greatly towards this fall, institutions falling by 311 appeals. The fall in the number of suits disposed of is said to be responsible for the fall in the number of appeals instituted. The disposal of regular appeals also fell by 323. If the figures are taken into account separately, the Central Provinces showed an increase in disposals by 288 and Berar a fall of 611. No explanation has been offered for this fall by the Berar Judges. The pending file was further reduced by 188. Institutions and disposals of miscellaneous appeals also fell by 39 and 95, respectively. The fall was shared by almost all the districts. The average duration of regular and miscellaneous appeals was 147 [143] and 123.8 [122], respectively.

29. Of the 4,543 [5,319] regular appeals disposed of during the year 20.9 [26.4] per cent were disposed of by transfer, 8.4 [9.6] were summarily dismissed or were not prosecuted, decrees were confirmed in 40.6 [35.2] per cent, modified in 12.6 [11.2] per cent, reversed in 13.7 [13.6] per cent and 3.8 [4.0] per cent of the appeals were remanded

D.—MISCELLANEOUS

30. Bar.—The total strength of the Bar further decreased to 2,262 [2,355] of whom 438 [495] were Advocates. As the field of employment for men of high academic qualifications is still vast, members of the Bar secure posts under Government or with private concerns. The relations between the Bench and the Bar were reported to be cordial from all districts. There were three complaints of professional misconduct against pleaders but they were all dismissed for want of prosecution. Two complaints against advocates were received during the year and they remained pending at the close of the year.

31. Copying Branch.—The total number of sheets filled in by copyists further decreased to 306,516 [328,508] at headquarters and to 119,908 [124,090] at out-stations. The fall in disposal of suits is reported to be responsible for the fall in copying work. Rs. 491-1-6 [Rs. 437-11-0] was spent on section-writing charges. Although the war is over, its after-effects are still traceable. The war-time dearth of qualified candidates still continues and a number of temporary leave vacancies had to remain unfilled.

32. Records and Record-rooms.—Elimination of records is reported to be up to date in all districts. Sufficient rack space is available in all record-rooms. Four cases of loss of records in Nagpur, two in Wardha and a case of the loss of a dak book in Chhindwara occurred during the year under report.

33. Nazarat.—The sanctioned strength of process-servers remained unchanged at 700. 81 [138] posts were kept vacant for want of sufficient work. A comparative rise in institutions appears to be responsible for the reduction in the number of vacant posts. The percentage of service of summonses and notices ranged from 79.7 [78.6] in Nimar to 85.8 [86.1] in Wardha and of warrants from 69.3 [70.1] in Nimar to 91.7 [90.6] in Wardha. Of 90 [58] cases of obstruction to service reported during the year 21 [33] were brought to trial, 4 [9] ended in conviction, 8 [10] in acquittal and 9 [14] remained pending at the close of the year. Proceedings in 39 [19] cases were dropped.

During 1946 further embezzlements by the Nagpur clerk whose case was reported last year were noticed. The case has been handed over to the Police. In Saugor a case of temporary embezzlement in which four process-servers are allegedly involved has come to notice. The matter is under investigation. A Jubbulpore clerk who was convicted under section 161 of the Indian Penal Code, and sentenced to undergo rigorous imprisonment for six months has been dismissed from the service after his appeal was rejected by the Sessions Court and his revision application by the High Court. A probationer (*ex*-serviceman) process-server of West Berar civil district was prosecuted for misappropriating diet-money amounting to Rs. 54 and was sentenced to rigorous imprisonment for one year.

34. Income from process-fees.—The income from this source during the past four years was as under :—

		Rs. a. p.			Rs. a. p.
1943	..	4,24,631 7 0	1945	..	4,16,426 1 0
1944	..	4,59,912 12 0	1946	..	4,03,203 0 0

The fall is noticeable in spite of the rise in the institutions during the year because of greater institutions of suits of smaller value.

35. The Court-fees Act.—The income from court-fees realized by the Civil Courts in the last four years was as under :—

	Rs. a. p.		Rs. a. p.
1943 ..	12,75,872 1 0	1945 ..	11,25,876 6 0
1944 ..	14,03,343 1 0	1946 ..	14,12,171 3 0

The rise in institutions coupled with the enhancement of court-fees resulted in a rise in the income during the year. It is reported that special attention is being paid to the realization of proper court-fees and the comments made in last year's report are having the desired effects. The official deputed to check inadequacy of court-fees realized at Nagpur has completed his examination and the report is receiving the attention of the High Court.

36. Trial of tenancy suits by Revenue Officers.—District Judges have again to complain of the lack of interest in and indifference shown to civil work by Revenue Officers and their staff. Inspection notes are ignored and not complied with for months. It is understood, however, that the Provincial Government will sponsor legislation for the withdrawal of these suits from Revenue Courts and for their disposal by Civil Courts.

37. Furniture and Libraries.—No new furniture was purchased. New books were purchased in replacement of old ones as far as funds permitted.

38. Buildings.—Construction of the new Civil Court building sanctioned for Murtizapur has not yet begun. The final selection of a site has to be made. No other new building was constructed during the year. The prices of building materials being prohibitive, demands for the extension of Civil Courts and Bar-rooms were not recommended.

39. Inspections.—The Honourable Sir Frederick Grille, I.C.S., Chief Justice, inspected the Courts at Seoni, Jubbulpore, Mandla, Narsinghpur, Saugor and Damoh. The Honourable Mr. Justice Pollock, I.C.S., inspected the Civil Court at Nagpur. The District and Sessions Judges inspected all the Subordinate Courts and office sections except at Akola where the Courts of Second Additional District Judge, Second Civil Judge (Class I) and First Civil Judge (Class II), remained for inspection at the close of the year. They were however inspected on 4th January 1947.

40. Casualties.—Sir M. Bhawanishanker Niyogi, C.I.E., LL.D., and Mr. W. R. Puranik, High Court Judges, Mr. U. S. Shrivastava and Mr. S. A. M. Jafry, District and Sessions Judges, Mr. M. B. Paranjpe, Mr. T. N. Hardas and Mr. S. N. Nande, Civil Judges (Class I), retired from service during the year.

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S. M. AHMED,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 23rd April 1947.

PRESCRIBED STATEMENTS (CIVIL)
1946

STATEMENT No. 25.—Showing the number of Judicial Jurisdiction in the Central Provinces and

Name of Province	Judges of Chief Court of Province	Civil	
		Number of districts	District Judges
(1)	(2)	(3)	(4)
Central Provinces (including Ber ar) ..	7	9	9 (*a*)

(*a*) Do both civil and criminal work
(*b*) 132 do both civil and criminal work.
(*c*) All Panchayat Courts.

STATEMENT No. 26.—Showing the number of civil cases decided in the Courts

Name of Province	Number of cases decided		
	Original		Appellate
	Regular	Miscellaneous	Regular
(1)	(2)	(3)	(4)
Central Provinces (including Barar).	51,754	10,241	5,[illegible]13

Divisions and the number of Officers exercising Appellate or Original Civil
Berar on the 31*st December* 1946—(Paragraphs 1—7).

Other Judges		Remarks
Stipendiary	Honorary	
(5)	(6)	(7)
179 (*b*)	515 (*c*)	

Grades of Judicial Officers	Europeans	Indians
Chief Justice ..	1	..
Puisne Judges ..	1	5
District Judges ..	1	8
Additional District Judges ..	1	31
Civil Judges (class I) ..	..	1
Additional Judges to Courts of Civil Judges (class I).	..	16
Judges, Small Cause Courts ..	..	
Civil Judges (class II) ..		60
Extra-Civil Judges (class II) ..	..	21
Additional Judges to Courts of extra-Civil Judges (class II).		42
Additional Judges to Courts of Civil Judges (class II).	..	7
Total	4	191

in the Central Provinces and Berar for the year 1946.

Miscellaneous	Remarks
(5)	(6)
640	..

STATEMENT No. 27.—Showing the number and description of *and Berar for the year*

Class of Tribunal	Suits for money or movable property	Suits under the		
		Arrears of rent with or without ejectment	Enhancement or abatement of rent	For ejectment or recovery of possession alone
(1)	(2)	(3)	(4)	(5)
COURTS IN THE INTERIOR				
Unpaid Tribunals ..	..	..		..
Paid Sub-Divisional Tribunals ..	6,310	9,923	1	11
Small Cause Courts ..	18,986	..		
District Courts other than Chief Courts of districts.	439	46	..	
Chief Courts of districts ..	54	..	..	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of the Province ..	..	..	..	
Total ..	25,789	9,969	1	11

STATEMENT No. 28.—Showing the number and value of suits *Berar for the year*

Class of Tribunal	Number			
	Value not exceeding Rs. 10	Value Rs. 10 to Rs. 50	Value Rs. 50 to Rs. 100	Value Rs. 100 to Rs. 500
(1)	(2)	(3)	(4)	(5)
COURTS IN THE INTERIOR				
Unpaid Tribunals ..	..	..	..	
Paid Sub-Divisional Tribunals ..	3,259	8,799	5,171	8,291
Small Cause Courts ..	771	6,396	4,806	6,537
District Courts other than Chief Courts of districts.	20	133	114	252
Chief Courts of districts	..	..	..	11
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of the Province	..	..	..	..
Total ..	4,050	15,328	10,091	15,091

Civil suits instituted in the Civil Courts in the Central Provinces
1946—(Paragraphs 8-9).

Rent Law		Title and other suits					
All other suits under the Rent Law	Total	Suits for immovable property	Suits for specific relief	Mortgage suits	Other suits not falling under any of the preceding heads	Total	Grand Total
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
..	..	..	..	..	..	..	..
3	9,938	7,095	1,345	726	3,671	12,837	29,085
..	.	..	..	..	..	..	18,986
..	46	370	114	43	119	646	1,131
..	..	59	28	11	43	141	195
..	..	..	..	..	4	4	4
3	9,984	7,524	1,487	780	3,837	13,628	49,401

instituted in the Civil Courts in the Central Provinces and
1946—(Paragraph 11).

of suits instituted in the different courts					
Value Rs. 500 to Rs. 1,000	Value Rs. 1,000 to Rs. 5,000	Value above Rs. 5,000	Number of suits the value of which cannot be estimated in money	Total number of suits instituted	Total value of suits
(6)	(7)	(8)	(9)	(10)	(11)
					Rs.
..	..	..	..	..	..
1,887	1,678	..	..	29,085	74,42,810
476	..	..	.	18,986	22,99,487
89	277	246	..	1,131	24,06,225
1	2	180	1	195	79,40,741
..	..	..	4	4	..
2,453	1,957	426	5	49,401	2,00,89 263

STATEMENT No. 29.—Showing the General Results of the Trial of Provinces and Berar

Civil Suits—

Class of Tribunal	Number of suits before the Courts: Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received	Total
(1)	(2)	(3)	(4)	(5)	(6)
COURTS IN THE INTERIOR					
Unpaid Tribunals ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	(a) 11,710	29,085	884	2,638	44,317
Small Cause Courts ..	4,816	18,986	400	1,112	25,314
District Courts other than Chief Courts of districts.	664	1,131	30	703	2,528
Chief Courts of districts ..	277	195	12	38	522
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT					
Chief Court of the Province ..	4	4	..	..	8
Total ..	(b) 17,471	49,401	1,326	4,491	72,689

STATEMENT No. 29.—Showing the General Results of the Trial of Provinces and Berar

Civil Suits—

Class of Tribunal	Number of suits: Compromised: Number	Average duration	After full trial: Judgment for plaintiff	Judgment for defendant	Average duration
(1)	(14)	(15)	(16)	(17)	(18)
COURTS IN THE INTERIOR					
Unpaid Tribunals ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	4,021	134	6,498	2,075	232
Small Cause Courts ..	1,191	114	2,814	581	148
District Courts other than Chief Courts of districts.	162	183	348	88	234
Chief Courts of districts ..	40	363	72	33	474
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT					
Chief Court of the Province ..	..	..	6	..	350
Total ..	5,414	143	9,738	2,777	211

(a) 194 cases of the Court of Civil Judge (Class II), Multai, were shown under Class I

(b) Four cases pending in High Court at the close of the year 1945 were left out of Khamgaon. (class II),

Civil cases in the Courts of Original Jurisdiction in the Central for the year 1946.

(Paragraphs 12—14)

Number of suits disposed of						
Without trial			Ex parte		On admission of claim	
Under Order IX, rule 3, and Order IX, rule 8, where the defendant does not admit the claim	Otherwise	Average duration	Number	Average duration	Number	Average duration
(7)	(8)	(9)	(10)	(11)	(12)	(13)
..	..	..	..	..	..	..
3,236	2,737	129	7,206	105	2,528	90
2,366	1,606	92	6,039	105	3,194	99
92	121	181	122	138	98	140
20	23	343	10	338	5	517
..	..	..	..	..	..	..
5,714	4,487	115	13,377	98	5,825	100

Civil cases in the Courts of Original Jurisdiction in the Central for the year 1946.

(Paragraphs 12—14)—*concld.*

disposed of						
On reference to arbitration		By transfer				
Number	Average duration	Number	Average duration	Pending at the close of the year	Pending for more than a year	Remarks
(19)	(20)	(21)	(22)	(23)	(24)	(25)
..	..	..	..	..	..	
14	234	2,876	102	13,126	878	
9	295	1,109	92	6,405	148	
8	463	368	146	1,121	230	
5	660	33	431	281	117	
..	..	..	..	2	..	
36	359	4,386	138	20,935	1,373	

group last year as that Court was presided over by Class I Judge, Betul.
account and one case was wrongly shown as pending at the close of the year by Civil Judge,

4

STATEMENT No. 30.—*Showing the General Results of the Trial of Provinces and Berar*

Miscellaneous

Class of Tribunal	Number of cases before the Courts: Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received	Total
(1)	(2)	(3)	(4)	(5)	(6)
COURTS IN THE INTERIOR					
Unpaid Tribunals ..	..	..		..	..
Paid Sub-Divisional Tribunals ..	1,622	5,263	18	69	6,972
Small Cause Courts ..	684	2,298	4	86	3,072
District Courts other than Chief Courts of districts.	419	1,128	1	61	1,609
Chief Courts of districts ..	491	1,337	4	51	1,883
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT					
Chief Court of the Province ..	91	183	..	..	274
Total ..	3,307	10,209	27	267	13,810

STATEMENT No. 30.—*Showing the General Results of the Trial of Provinces and Berar*

Miscellaneous

Number of

Class of Tribunal	Compromised: Number	Compromised: Average duration	After full trial: Judgment for plaintiff	After full trial: Judgment for defendant	After full trial: Average duration
(1)	(14)	(15)	(16)	(17)	(18)
COURTS IN THE INTERIOR					
Unpaid Tribunals ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	165	133	906	511	150
Small Cause Courts ..	116	138	261	178	132
District Courts other than Chief Courts of districts.	31	180	238	96	197
Chief Courts of districts ..	22	205	180	113	219
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT					
Chief Court of the Province ..	..	..	46	9	417
Total ..	334	143	1,631	907	163

NOTES.—(1) One case of Contempt of Court under Chapter XXXV of
(2) Insolvency petitions are not taken into account for

Civil cases ***in the Courts of Original Jurisdiction in the Central***
for the year 1946.
Cases

Number of cases disposed of						
Without trial			*Ex parte*		On admission of claim	
Under Order IX, rule 3, and Order IX, rule 8, where the defendant does not admit the claim	Otherwise	Average duration	Number	Average duration	Number	Average duration
(7)	(8)	(9)	(10)	(11)	(12)	(13)
..	..	..	..	..	..	..
533	2,086	94	399	98	620	83
284	854	95	139	97	365	106
53	379	124	124	107	118	93
68	762	113	83	89	127	98
84	22	154	..	..	..	..
1,022	4,103	103	745	93	1,230	92

Civil cases ***in the Courts of Original Jurisdiction in the Central***
for the year 1946.
Cases—*concld.*

cases disposed of						
On reference to arbitration		By transfer		Pending at the close of the year	Pending for more than a year	Remarks
Number	Average duration	Number	Average duration			
(19)	(20)	(21)	(22)	(23)	(24)	(25)
..	..	..	..	..	..	
2	101	86	115	1,664	81	
..	..	86	75	789	10	
..	..	41	104	529	56	
..	..	54	20	474	60	
..	..	..	..	113	36	
2	101	267	81	3,569	243	

the Code of Criminal Procedure was disposed of during the year
purposes of this statement.

STATEMENT No. 31.—Showing the business of the Civil Appellate

Appeals from

Class of Tribunal	Number of appeals before the Courts: Pending at the beginning of the year	Instituted and re-instituted during the year	Otherwise received	Total
(1)	(2)	(3)	(4)	(5)
COURTS IN THE INTERIOR				
Appeal from Original Decrees				
Chief Appellate Courts of districts ..	1,957	3,370	957	6,284
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of Province				
Appeals from original decrees ..	583	126	..	709
Appeals from appellate decrees ..	2,141	1,081	..	3,222
Appeals under the Letters Patent ..	55	11	..	66
Total ..	2,779	1,218	..	3,997
Grand Total ..	4,736	4,588	957	10,281

NOTE.—No reference under section 27 of the Workmen's Compensation Act 1923,

X

Courts in the Central Provinces and Berar for the year 1946

Decrees—(Paragraphs 26—29)

Number of appeals disposed of: Dismissed or not prosecuted — Number	Dismissed or not prosecuted — Average duration	Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns (8), (9), (10) and (11)	By transfer — Number	By transfer — Average duration	Pending at the close of the year	Pending for more than a year	Remarks
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
386	130	1,841	570	619	174	148	953	102	1,741	108	
16	1,612	35	18	11	..	2,066	..	..	629	503	
377	270	198	29	61	6	1,418	..	..	2,551	1,684	
3	1,357	5	2	8	1	1,646	..	..	47	36	
396	332	238	49	80	7	1,621	..	..	3,227	2,223	
782	232	2,079	619	699	181	302	953	102	4,968	2,331	

was pending at the beginning of the year and none was received during the year.

STATEMENT No. 32.—*Showing the business of the Civil*

Miscellaneous

Class of Tribunal	Number of appeals before the Courts: Pending at the beginning of the year	Instituted and re-instituted during the year	Otherwise received	Total	Number: Dismissed or not prosecuted: Number	Average duration
(1)	(2)	(3)	(4)	(5)	(6)	(7)
COURTS IN THE INTERIOR						
Appeals from original decrees						
Chief Appellate Courts of districts	141	376	34	551	81	33
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Court of Province						
Appeals from original decrees ..	417	124	..	541 (a)	84	593
Appeals from appellate decrees ..	263	125	..	388	57	325
Total ..	680	249	..	929	141	485
Grand Total ..	821	625	34	1,480	222	345

(*a*) Includes five appeals under section 30 of the
Four appeals were pending

GPN—161—RHC—24-6-47—200

Appellate Courts in the Central Provinces and Berar for the year 1946.

Appeals—(Paragraphs 26—29)

of appeals disposed of									
					By transfer				
Con-firmed	Modi-fied	Revers-ed	Remand-ed for retrial	Average dura-tion of appeals in columns (8), (9), (10) and (11)	Num-ber	Average dura-tion	Pending at the close of the year	Pending for more than a year	Remarks
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
155	15	50	47	132	34	92	169	4	
28	3	14	4	1,556	..	..	408	318	
47	4	17	..	875	..	..	263	175	
75	7	31	4	1,160	..	..	671	493	
230	22	81	51	445	34	92	840	497	

Workmen's Compensation Act, 1923.
at the close of the year.